

Alpine County Superior Court Local Rules

Effective January 1, 2007
Revised January 1, 2008

Alpine County Superior Court
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Hon. Richard K. Specchio
Presiding Judge

Hon. David L. DeVore
Judge

Lisa Cobourn
Court Executive Officer
Jury Commissioner

The following Rules 1.1 through 6.11, Rules of Court of the Superior Court of Alpine County, are adopted January 1, 2008, amending the Rules of Court previously adopted by the Superior Court of Alpine County.

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EFFECTIVE JANUARY 1, 2007

Rule		Effective Date	Revised Date
Chapter 1. General Court Rules			
1.1	Citation of Rules	01/01/2007	
1.2	Construction of Rules	01/01/2007	
1.3	Reference to Court	01/01/2007	
1.4	Failure to Comply	01/01/2007	01/01/2008
Chapter 2. Fairness and Access Rules			
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2.3	Reference to Counsel/Attorney	01/01/2007	
Chapter 3. Operational Rules			
3.1	Regular Sessions of the Court, Calendars, and Assignment of Judges	01/01/2007	01/01/2008
3.2	Deviation from Regular Scheduling for Convenience	01/01/2007	01/01/2008
3.3	Long-Cause Matters – Special Setting	01/01/2007	
3.4	Assignment of Judges – Code of Civil Procedure 170.6	01/01/2007	
3.5	Ex Parte Applications	01/01/2007	
3.6	Jury Trial Sessions, Location, and Juror Availability	01/01/2007	01/01/2008
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Chapter 4. Courtroom Decorum			
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4.2	Talking in the Court	01/01/2007	
4.3	Use of the Courtroom and Courthouse	01/01/2007	01/01/2008
4.4	Reacting to Proceedings	01/01/2007	

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Rule		Effective Date	Revised Date
Chapter 5. Civil Case Rules			
5.1	Scope	01/01/2007	
5.2	Differential Case Management Generally	01/01/2007	01/01/2008
5.3	Service of Pleadings	01/01/2007	
5.4	Failure to File Responsive Pleadings, Extension of Time to Respond; Default and Default Judgment	01/01/2007	
5.5	Amendment of Pleadings	01/01/2007	
5.6	Case Management Conferences	01/01/2007	01/01/2008
5.7	Law and Motion; Proposed Orders	01/01/2007	01/01/2008
5.8	Setting Cases for Trial	01/01/2007	01/01/2008
5.9	Settlement Conferences	01/01/2007	01/01/2008
5.10	Jury Trial: Pretrial Management Conference, Motions in Limine	01/01/2007	01/01/2008
5.11	Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs	01/01/2007	
5.12	Scheduling Calendar Dates	01/01/2007	01/01/2008
Chapter 6. Criminal Case Rules			
6.1	Disposition Goals	01/01/2007	01/01/2008
6.2	Filing of Accusatory Pleadings and Requests for Warrants	01/01/2007	01/01/2008
6.3	Hearings in Criminal Cases	01/01/2007	01/01/2008
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6.5	Discovery and Investigation	01/01/2007	01/01/2008
6.6	Pre-trial and Pre-preliminary Examination Conferences	01/01/2007	01/01/2008
6.7	Dispositive Pleas	01/01/2007	01/01/2008
6.8	Criminal Trials	01/01/2007	01/01/2008
6.9	Continuances; Special Appearances	01/01/2007	01/01/2008
6.10	Judgment & Sentencing/Probation	01/01/2007	01/01/2008
6.11	Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs	01/01/2007	

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GENERAL INFORMATION ABOUT THE ALPINE COUNTY SUPERIOR COURT

The court is located in a remote mountain region which experiences severe winter weather resulting in hazardous driving conditions and road closure, and travel during other seasons is subject to lengthy delays due to road repair activities. The court will make accommodation for unforeseen circumstances making it unreasonably difficult to attend or timely appear for scheduled court sessions. However, all persons with business in the court must anticipate that such conditions may impede travel and are advised to plan accordingly for appearances and the attendance of witnesses. Consideration should be given to travel in advance of the day attendance is required; lodging is available but limited locally, and the Alpine County Chamber of Commerce may be contacted at 530-694-2475 for referral to local and regional facilities.

CHAPTER 1: GENERAL COURT RULES

Rule 1. Construction of Rules; Failure to Comply

Rule 1.1. Citation of Rules

These rules shall be known and cited as the Alpine County Superior Court Local Rules; they are supplementary and subject to any and all rules adopted by the Judicial Council and statutes of this state. *(Adopted January 1, 2007)*

Rule 1.2. Construction of Rules

These rules shall be liberally construed to promote the orderly and efficient administration of justice. Unless otherwise dictated by context, definitions of terms found in the California Rules of Court shall control construction of terms in these rules. Hereinafter CRC refers to the California Rules of Court. *(Adopted January 1, 2007)*

Rule 1.3. References to Court

All references to “the court” or “this court” are to the Alpine County Superior Court. *(Adopted January 1, 2007)*

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Rule 1.4. Failure to Comply

Failure to comply with any of these rules may result in the imposition of sanctions pursuant to CRC Rule 2.30, Code of Civil Procedure sections 177.5 and/or 575.2. *(Adopted January 1, 2007, Revised January 1, 2008)*

CHAPTER 2: FAIRNESS AND ACCESS RULES

Rule 2. Fairness, Access, Facilities and Other Considerations for Persons with Disabilities

Rule 2.1. Fairness

To maintain integrity and impartiality of the judicial system the court will:

- (a) Insure that all proceedings are conducted so as to be fair and impartial to all participants.
- (b) Insure that all persons in and about the courtroom refrain from engaging in conduct that exhibits racial, gender, national origin, religious, or other forms of bias directed toward counsel, court personnel, witnesses, parties, jurors, or any other person or group.
- (c) Insure that all orders, rulings, or decisions are based on an objective balancing of competing rights and interests in consideration of applicable law, through the exercise of sound judgment and judicial discretion, without influence of race, gender, national origin, religion, or other form of bias.

(Adopted January 1, 2007)

Rule 2.2. Access

The courthouse is a historic building lacking in access and facilities to accommodate all persons with disabilities. Upon notice and request to accommodate a person with disability implicating access and/or facilities, sessions of the court will be moved to a suitable alternate location. Upon notice and request to accommodate persons with other disabilities, the court will provide such assistance or arrangement as may be appropriate. Any request for accommodation may be made by submitting to the court Judicial Council Form MC-410, or by telephone to the Court Executive Officer. *(Adopted January 1, 2007)*

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Rule 2.3. References to Counsel/Attorney

All references to attorney or counsel shall also refer to self-represented persons and these rules shall apply equally to such persons. (*Adopted January 1, 2007*)

CHAPTER 3: OPERATIONAL RULES

Rule 3. General Matters Concerning Court Operation

Rule 3.1. Regular Sessions of the Court, Calendars, and Assignment of Judges

Regular sessions of the court are held Mondays and Tuesdays unless falling on an authorized court holiday, in which event the session will be held the next working day. Calendars will generally be as follows:

Monday Calendar

Department 1: Judge Richard K. Specchio

9:00 AM	Traffic Arraignments Court Trials Trial De Novo
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10:00 AM All Criminal Arraignments
Misdemeanor and Felony Proceedings (Including pre-trial,
pre-preliminary hearings, Preliminary Hearings, Motions)

3:00 PM Juvenile Dependency (WIC 300)
Child Support

Department 2: Judge David L. DeVore

1:00 PM Fish and Game Arraignments
Misdemeanor and Felony Proceedings (Including pre-trial,
pre-preliminary hearings, Preliminary Hearings, Motions)

2:00 PM Juvenile Delinquency (WIC 602)
Probate

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Tuesday Calendar

Departments 1and 2

9:00 AM Civil Limited, Civil Unlimited
Unlawful Detainer
Small Claims

(Adopted January 1, 2007, Revised January 1, 2008)

Rule 3.2. [Repealed 2008]

Rule 3.2 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to deviation from regular scheduling for convenience.

Rule 3.3. Long-Cause Matters – Special Setting

Long-cause matters are those which are reasonably anticipated to consume more than ½ hour of hearing time and/or involve witness testimony. In any civil or criminal matter each party shall determine if a matter is reasonably to be long-cause, and if so shall so advise all other parties and seek a special setting from the clerk. *(Adopted January 1, 2007)*

Rule 3.4. Assignment of Judges – Code of Civil Procedure 170.6

For purposes of Code of Civil Procedure 170.6 challenges, the assignment of judges of this court is as follows: All Department 1 cases are assigned to Judge Richard K. Specchio for all purposes. All Department 2 cases are assigned to Judge David L. DeVore for all purposes. Notwithstanding the assignment of a judge of this court to family law matters, such matters may be assigned to a Commissioner regularly engaged in the El Dorado Superior Court, South Lake Tahoe Session, pursuant to collaborative agreement between the two courts, and hearings will generally occur in that court. *(Adopted January 1, 2007)*

Rule 3.5. Ex Parte Applications

The court does not reserve a specific day or time for hearing of ex parte applications and such matters may be set by contacting the Clerk's office. At a minimum, notice shall be given as provided by the California Rules of Court and any applicable statute. This local rule does not apply to ex parte

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applications for domestic violence or civil harassment restraining orders, elder or dependent adult protective orders, applications in criminal proceedings for the confidential appointment of experts or investigators, or as otherwise provided by law. *(Adopted January 1, 2007)*

Rule 3.6. Jury Trial Sessions, Location, and Juror Availability

Jury trials are regularly scheduled for a one week period each quarter of the year, the schedule of which for the following year will be available in the clerk's office on or about each October 1. Time requirements in criminal matters and other extraordinary circumstances may result in alternate scheduling, and/or in scheduling of two weeks in any given quarter. Jurors in the Bear Valley area are exempt from jury service during the winter months due to closure of Highway 4. The court endeavors to minimize juror inconvenience and to achieve the "one day/one trial" goals of CRC 2.1002, however Alpine County's small and widely scattered population of available jurors present unusual circumstances and difficulties in strictly complying with that Rule. As a rule jurors are not summoned for more than one trial period each year, are not asked to serve on more than one trial, are not held on call for more than one day, and are not placed on telephone standby for more than five court days. *(Adopted January 1, 2007, Revised January 1, 2008)*

Rule 3.7. Court Reporters

Generally, the court provides a court reporter in all criminal matters except infractions, juvenile proceedings under Welfare and Institutions Code sections 300 and 602, and all other matters where required by statute. In the event a reporter is unavailable (as by inclement weather, road closure, etc), upon consent of parties effort will be made to tape record proceedings and copies of such recordings and/or transcripts will be available upon request by persons who would be entitled to obtain an official transcript, upon payment of reasonable costs thereof (This is done as an accommodation only and will not constitute an official record). Any party desiring a court reporter in other matters, including civil law and motion and family law proceedings, shall arrange for the attendance and bear the cost of such reporter. The clerk's office will provide a list of reporters working in the region. *(Adopted January 1, 2007)*

Rule 3.8. Facsimile Filings and Service

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3.8.1. Facsimile filing and service of documents shall comply with CRC 2.300 et seq, and these rules. Facsimile filings exceeding twenty (20) pages, inclusive of attachments; transmissions not received in their entirety by 4:00 PM will be filed the following day. It is the responsibility of the party so filing to insure that time-sensitive filings have been entirely received so as to have been filed on a given day. (*Adopted January 1, 2007, Revised January 1, 2008*)

3.8.2. [Repealed 2008]

Rule 3.8.2 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to the filing of the original of any document filed by facsimile.)

CHAPTER 4: COURTROOM DECORUM

Rule 4. Courtroom Decorum

Rule 4.1. Attire

Attorneys shall be dressed in neat and appropriate business attire for all court appearances, and litigants, witnesses, and other persons attending court sessions shall dress in a manner that is neither offensive nor distracting to others of normal sensibilities. Allowance will be made for inclement weather which makes sensible the wearing of foul weather clothing. (*Adopted January 1, 2007*)

Rule 4.2. Talking in the Courtroom

Talking among persons in the courtroom during sessions is distracting and should be avoided; talking to clerks, among attorneys, between attorneys and clients, shall be minimized and, when necessary, occur so as to avoid disruption of or distraction to the proceedings. Counsel should avoid conversing with clients when the client is being addressed by the court. No person other than involved attorneys and court personnel shall communicate with a prisoner without leave of the court. (*Adopted January 1, 2007*)

Rule 4.3. Use of the Courtroom and Courthouse

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4.3.1. It is the general policy of the court to permit attorneys and self-represented persons wide latitude in the use of the courtroom, including the well area between counsel tables and the bench. However, to minimize the potential for distraction and alleviate undue concern for security, persons desiring to move away from counsel table are encouraged to seek prior approval of the court to do so and to utilize the bailiff to transmit documents or objects to the court or the clerk. In prolonged proceedings blanket approval for free movement about the courtroom, including approach to witnesses may be sought by counsel. *(Adopted January 1, 2007)*

4.3.2. *Rule 4.3.2 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to firearms in the courtroom.*

4.3.3. *Rule 4.3.3 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to Attorneys directing the witnesses to the clerk for administration of an oath.*

4.3.4. No attorney, self-represented person or witness in a proceeding shall approach or communicate with prospective or impaneled jurors, including alternates, touching on any subject of the pending matter or their potential or actual service as jurors, nor engage them in any conversation. *(Adopted January 1, 2007, Revised January 1, 2008)*

Rule 4.4. Reacting to Proceedings

Persons in the courtroom shall not physically or audibly react with approval, disapproval, agreement, disagreement, pleasure, displeasure, or any other visible emotional display, to any testimony, statement of counsel, witnesses, or court personnel, or ruling of the court. *(Adopted January 1, 2007)*

CHAPTER 5: CIVIL CASE RULES

Rule 5. Civil Case Management

Rule 5.1. Scope

This Rule applies to those matters and in the manner set forth in CRC 3.712 unless otherwise specified. *(Adopted January 1, 2007)*

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Rule 5.2. Differential Case Management Generally

5.2.1. The court endeavors to achieve the disposition time goals set forth in CRC 3.714. Generally, cases will be evaluated and given a designation as a Limited, Unlimited, or Exempt Exceptional case not later than the Initial Case Management Conference. Any party desiring a particular designation may file a Differential Case Management Request for Designation or Exemption setting forth the reasons for the request in consideration of the factors set forth in CRC 3.715 and/or 3.400 before or with the Initial Case Management Conference Statement or at such other time as circumstances may warrant. *(Adopted January 1, 2007, Revised January 1, 2008)*

5.2.2. *Rule 5.2.2 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to designating a case as Expedited.*

Rule 5.3. Service of Pleadings

5.3.1. When returning conformed copies of a complaint, or cross-complaint which names new parties, the clerk will also provide Notice of Initial Case Management Conference and blank Case Management Statement, both of which shall be served with the Summons and Complaint/Cross-Complaint. *(Adopted January 1, 2007)*

5.3.2. Within sixty (60) days of the filing of a complaint or a cross – complaint which names new parties, service of the action on adverse parties must be effected and proof of service filed with the court. The filing of an amended complaint pursuant to CCP 472 will begin anew the time for service. *(Adopted January 1, 2007)*

Rule 5.4. Failure to File Responsive Pleadings, Extension of Time to Respond; Default and Default Judgment

5.4.1. Unless an extension of time to respond is granted by the serving party as provided below, whenever any party served fails to respond within the time required by law the serving party shall, within 15 days thereafter, request entry of default, upon receipt of which the court will set a default hearing. In appropriate cases, declarations under CCP 585 may serve in lieu

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of personal appearance. In multi-defendant cases which are proceeding as to one or more parties, upon application and order of the court default hearings and judgments as to other parties who have not appeared need not be pursued until the entire matter is concluded. *(Adopted January 1, 2007)*

5.4.2. Any party serving pleadings may grant to the party served one extension of time to respond, for a period not to exceed thirty (30) days without leave of court. The party granting an extension forthwith shall advise the court in writing of the grant and the due date for response. *(Adopted January 1, 2007)*

5.4.3. Stipulations seeking to set aside a default shall include a proposed order which includes a directive that the responding party shall have fifteen (15) court days after the date the order is signed to respond. *(Adopted January 1, 2007)*

Rule 5.5. Amendment of Pleadings

Motions to amend pleadings shall include a proposed order and proposed amended pleading designated as such for separate lodging with the Clerk. *(Adopted January 1, 2007)*

Rule 5.6. Case Management Conferences

5.6.1. Case Management Conferences will be conducted pursuant to CRC 3.727. *(Adopted January 1, 2007, Revised January 1, 2008)*

5.6.2. An Initial Case Management Conference will be set within approximately 150 days of the filing of an action, for a date set by the Clerk and given in the Notice of Initial Case Management Conference (except in the event a matter is designated as Expedited). Subsequent Conferences are subject to setting at any time in the discretion of the court. *(Adopted January 1, 2007)*

5.6.3. Case Management Statements shall be filed by all parties at least 5 days before a Conference, and in the event of multiple Conferences, shall accurately reflect all changes of circumstance since the last one. Pro forma Statements, preparation for and/or participation in Conferences are disfavored. *(Adopted January 1, 2007)*

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5.6.4. Appearance by telephone for Case Management Conferences is permitted upon compliance with CRC 3.670, unless ordered otherwise by the court. In multiple party matters, the clerk shall designate the party responsible for linking all parties appearing by telephone. *(Adopted January 1, 2007, Revised January 1, 2008)*

5.6.5. Short cause matters, as defined in CRC 3.735, may be exempted from Case Management Conference requirements upon order of the court and shall be subject to the provisions of that Rule. *(Adopted January 1, 2007, Revised January 1, 2008)*

Rule 5.7. Law and Motion; Proposed Orders

5.7.1. All motions shall include, in the Notice of Motion, an estimate of the amount of time the hearing will entail. Matters which will take 20 minutes or less may be set on any regular afternoon calendar, but will trail criminal and juvenile and all other matters previously set. Matters estimated to require more than 20 minutes will be specially set upon consultation with the Clerk before the motion is filed. The court does not regularly, but may, issue tentative decisions. Appearance by telephone for law and motion matters is permitted upon compliance with CRC 3.670, unless ordered otherwise by the court. *(Adopted January 1, 2007, Revised January 1, 2008)*

5.7.2. All motions and opposition to motions shall be accompanied by a proposed form of order. In the case of motion for summary judgment/adjudication, a proposed order for the denial of the motion shall specify the factual issues believed by the opposing party to be necessary for determination by a jury. *(Adopted January 1, 2007)*

Rule 5.8. Setting Cases for Trial

Trials may be set upon the filing by any party of a Request for Trial Setting, to which other parties may respond within 10 court days, or at a Case Management Conference. Any such Request/Response shall estimate the number of days the matter reasonably is expected to take until the matter is submitted for decision. The Request shall indicate whether a jury or court trial is sought and shall include a statement that the proposed date has been confirmed by the Clerk to be available. *(Adopted January 1, 2007, Revised January 1, 2008)*

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Rule 5.9. Settlement Conferences

5.9.1. Except in short cause matters, approximately thirty (30) days before trial a mandatory settlement conference will be held. A settlement conference statement shall be filed pursuant to CRC 3.1380 and shall advise all offers and counteroffers exchanged (pursuant to CCP 998 or otherwise) previously. Any party may submit a Confidential Addendum to the statement which will not be lodged in the file as a public document but will be kept under seal for use only by the settlement conference judge and not subject to inspection except upon order of the court. *(Adopted January 1, 2007, Revised January 1, 2008)*

5.9.2. Each party appearing in the action must personally appear at the settlement conference, or, upon application and order of the court, be immediately available and subject to reach at all times until the conference is concluded or the party excused by the judge presiding. Corporate and public entity parties shall be represented by a responsible employee who is authorized to make decisions without limit, subject only to approval of a governing board which has ultimate authority to make such decisions, and representatives of insurance companies providing coverage to parties shall have settlement authority to the limits of the coverage. *(Adopted January 1, 2007)*

Rule 5.10. Jury Trial: Pretrial Management Conference, Motions in Limine

5.10.1. In the case of all jury trials, within approximately two weeks preceding the trial date there will be a Pretrial Management Conference which will include hearing on motions in limine. Motions in limine and responses shall be filed, respectively, at least ten days and three days before the conference. At least 10 days before the conference there shall be filed a Pretrial Management Conference Statement which includes the following:

- (1) Proposed statement of the case to be read to the jury; joint statements are encouraged.
- (2) Witnesses list, including estimated length of each witness's appearance and the anticipated order of witnesses.
- (3) Exhibit list with proposed numbering.

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(4) Succinct statement of the submitting party's factual and legal contentions, and points and authorities on anticipated evidentiary and/or substantive issues.

(5) Agreed and proposed stipulations.

(6) Proposed jury instructions and verdict forms. Counsel will be expected to have discussed both and in the conference statement shall identify the instructions to which there is agreement and those which are disputed. In each case where special verdicts or findings of the jury will be required, the party or parties who have requested jury shall present the form of any special verdicts or interrogatories which will be required for the resolution of the matter by the jury, and all other parties may present proposed alternatives thereto.

(7) Any other matter thought to be helpful the orderly progress of the trial, or, alternatively, thought to be a potential impediment to the orderly progress of the trial.

(Adopted January 1, 2007)

5.10.2. The Pretrial Management Conference Statement may serve as a trial brief, unless the court orders otherwise. The conference shall be attended by all attorneys serving as chief trial counsel, who shall be thoroughly familiar with and prepared to discuss all aspects of the case, and whose appearance on behalf of associated counsel shall be binding on all.
(Adopted January 1, 2007)

5.10.3. Motions in limine shall be filed so as to be heard at or before the Pretrial Management Conference. *(Adopted January 1, 2007, Revised January 1, 2008)*

5.10.4. Any party who has requested a jury trial or has requested a jury trial wherein the jury will be requested to render an advisory verdict, or in any matter in which special interrogatories, findings, or verdicts will be required of the jury, shall present the proposed form of any such interrogatories, findings, or verdicts at the Pretrial Management Conference.
(Adopted January 1, 2007, Revised January 1, 2008)

5.10.5. Initial jury fees shall be deposited with the Clerk no later than the Pretrial Management Conference, and subsequent day's fees paid at the outset of the second and successive days of jury trial in a sum sufficient to satisfy that day's fees and mileage. The failure to meet this obligation shall

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be construed as a waiver of jury, and if such a waiver is declared by the court the other parties shall have an opportunity to maintain the jury by assuming the continuing financial obligation. *(Adopted January 1, 2007)*

5.10.6. Counsel shall insure that the prospective jury pool and jury selected are not contaminated by contact with counsel, defendants, or witnesses when in or about the courthouse or otherwise. *(Adopted January 1, 2007)*

Rule 5.11. Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs

Any motion pleading, points and authorities, Pretrial Management Conference Statement, or trial brief consisting of eight or more pages, inclusive of attachments, when filed shall be accompanied by an additional copy conspicuously marked “Working Copy”. *(Adopted January 1, 2007)*

Rule 5.12. Scheduling Calendar Dates

Rule 5.12 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to scheduling of calendar dates.

CHAPTER 6: CRIMINAL CASE RULES

Rule 6. Criminal Case Management

Rule 6.1. Disposition Goals.

The court endeavors to achieve criminal case disposition consistent with Standard 2.1 of the Standards of Judicial Administration (Appendix to California Rules of Court) as follows:

(1) Misdemeanor Cases:

- (a) 90 percent concluded within 30 days after arraignment.
- (b) 98 percent concluded within 90 days after arraignment.
- (c) 100 percent concluded within 120 days after arraignment.

(2) Felony Preliminary Examinations:

- (a) 90 percent concluded within 30 days after arraignment.
- (b) 98 percent concluded within 45 days after arraignment.

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(c) 100 percent concluded within 90 days after arraignment.

(3) **Felony Trials:**

100 percent concluded by the second trial period following arraignment on information (see Rule 3.6).

(Adopted January 1, 2007, Revised January 1, 2008)

Rule 6.2. Filing of Accusatory Pleadings and Requests for Warrants

6.2.1. The filing of accusatory pleadings shall include an original and one copy for each defendant. *(Adopted January 1, 2007, Revised January 1, 2008)*

6.2.2. *Rule 6.2.2 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to accusatory pleadings involving persons in custody.*

6.2.3. *Rule 6.2.3 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to accusatory pleadings involving persons not in custody.*

6.2.4. Oral amendments and interlineations to accusatory pleadings once filed are disfavored. *(Adopted January 1, 2007, Revised January 1, 2008)*

6.2.5. When setting bail on an arrest warrant the court will utilize the Alpine County and Uniform Bail Schedules, unless the request for the warrant includes a specific request and showing of good cause for a different bail. *(Adopted January 1, 2007, Revised January 1, 2008)*

Rule 6.3. Hearings in Criminal Cases

Hearings/conferences in criminal cases are principally

- (1) Arraignment
- (2) Bail Review

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- (3) Demurrer
- (4) Deferred arraignment/pretrial (misdemeanor and infraction only)
- (5) Pre-trial Conference
- (6) Pre-preliminary Examination Conference
- (7) Deferred Entry of Judgment/Diversion/ Proposition 36
- (8) Motions
- (9) Trial Readiness and Management
- (10) Preliminary Examination.
- (11) Trial
- (12) Judgment and Sentence/Probation (including restitution)
- (13) Order to Show Cause re Probation Violation/Other
- (14) Review/Modification
- (15) Public Defender Repayment

(Adopted January 1, 2007, Revised January 1, 2008)

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Rule 6.4. Arraignment, Bail and Bail Review

6.4.1. Except as otherwise provide herein, arraignment shall be completed and plea entered on the first day scheduled, whether such proceeding is on complaint or information. *(Adopted January 1, 2007)*

6.4.2. At the time of arraignment the District Attorney shall have determined preliminarily the eligibility of defendants for Deferred Entry of Judgment pursuant to Penal Code section 1000, diversion program pursuant to Penal Code section 1000.1, *et seq*, drug treatment pursuant to Penal Code section 1210-1210.1 (Prop. 36), and, if applicable, shall file a written statement of the defendant's status under such sections. *(Adopted January 1, 2007)*

6.4.3. Persons appearing without counsel shall file a Statement of Rights upon the calling of the matter. Such persons who desire to consult with and/or retain counsel before concluding arraignment shall, upon request and time waiver, be granted a reasonable continuance of arraignment for such purpose, not to exceed two weeks. *(Adopted January 1, 2007)*

6.4.4. *Rule 6.4.4 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to the responsibilities of counsel appearing at arraignment.*

6.4.5. Pleas of not guilty entered at arraignment will be deemed to include reservation of right to demur or to make motions. Demurrers shall be filed so as to be heard not later than the third week following the first appearance. *(Adopted January 1, 2007, Revised January 1, 2008)*

6.4.6. *Rule 6.4.6 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to rules of Counsel appearing at an arraignment.*

6.4.7. Unless defendant's appearance is required by law or otherwise ordered by the court, counsel may defer arraignment and request a deferred arraignment/pre-trial conference on misdemeanors and infractions by letter, including FAX, received at least one court day prior to the hearing and demonstrating proof of service on the District Attorney. Such requests shall be construed as a binding commitment by counsel to representation of the

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defendant. Such requests shall be on letterhead stationary of the attorney and shall contain all of the following:

- (1) Statement of representation.
- (2) Defendant's true name.
- (3) Date of scheduled arraignment.
- (4) Statement that counsel has advised defendant of the charges, possible pleas and defenses, potential direct consequences of conviction, and his/her constitutional and statutory rights, including those relevant to time limits.
- (5) Request for deferred arraignment to pre-trial conference and general waiver of time for all future proceedings, including trial.
- (6) Requested date for deferred arraignment/pre-trial conference consistent with Rule 6.1.
- (7) If not previously occurring, that arrangement for the defendant's booking has been made with the Alpine County Sheriff. Counsel shall advise the court of the defendant's booking status at the next hearing.
- (8) If defendant is free on bail bond, acknowledgment by defendant that such bond shall continue in full force and effect.

(Adopted January 1, 2007, Revised January 1, 2008)

6.4.8. *Rule 6.4.8 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to scheduling after the arraignment.*

6.4.9. *Rule 6.4.9 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to deviations from the Bail Schedule.*

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Rule 6.5 Discovery and Investigation

6.5.1. Discovery is reciprocal and governed by Penal Code sections 1054-1054.7, and, to the extent not prohibited by or inconsistent with such sections, this Rule. *(Adopted January 1, 2007)*

6.5.2. Informal requests for discovery are deemed to occur at arraignment. *(Adopted January 1, 2007)*

6.5.3. *Rule 6.5.3 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to the discovery duties of the District Attorney.*

6.5.4. Upon receiving discovery the defense forthwith shall identify and initiate such investigation, including independent acquisition of prior conviction records, interview of witnesses, retainer of experts, and chemical/scientific testing as is necessary and appropriate to case evaluation and as will permit meaningful pre-trial and/or pre-preliminary examination conference and timely preliminary examination and/or trial. *(Adopted January 1, 2007)*

6.5.5. *Rule 6.5.5 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to requests for discovery.*

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Rule 6.6. Pre-trial and Pre-preliminary Examination Conferences

6.6.1. Pre-trial and pre-preliminary examination conferences shall be scheduled for the purpose of determining if a given matter may be subject to disposition by agreement of the parties and acceptance by the court prior to preliminary examination and/or trial. *(Adopted January 1, 2007)*

6.6.2. All persons appearing at any pre-trial or pre-preliminary examination conference shall be fully prepared to accomplish its purposes; discovery, investigation, negotiation, and consideration of disposition shall have been conducted sufficiently in advance to permit proceedings to be meaningful and efficient. Multiple pre-trial or pre-preliminary examination conferences are disfavored. *(Adopted January 1, 2007)*

6.6.3. *Rule 6.6.3 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to negotiations for disposition.*

6.6.4. *Rule 6.6.4 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to the appearance of defendants at the pre-trial conferences.*

6.6.5. *Rule 6.6.5 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to conferring with a judge in chambers for felony cases.*

6.6.6. *Rule 6.6.6 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to pre-trial dispositions.*

Rule 6.7. Dispositive Pleas

6.7.1. Notwithstanding the limitations of Penal Code sections 1192.5 and 1192.6 to felony offenses, the provisions of those sections shall apply also when a defendant enters a plea of guilty or no contest to any misdemeanor offense involving use of a weapon, the infliction of any injury, domestic violence, and/or aggravating facts subjecting the defendant to increased penalties (e.g. prior conviction).

(1) In all cases coming under this Rule in which a plea is conditioned upon the court's acceptance of a limitation on the punishment to be

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imposed the Defendant shall state on the record the terms of the conditional plea, and the District Attorney shall state approval thereof on the record.

(2) In all cases coming under this Rule in which charges contained in the original accusatory pleading are to be amended or dismissed, the District Attorney shall state the reasons for the amendment or dismissal on the record.

(3) In all cases coming under this Rule in which the District Attorney seeks dismissal of a charge in a complaint, information, or indictment the District Attorney shall state the specific reasons for the dismissal on the record.

(4) In all cases coming under this Rule in which the District Attorney recommends what punishment the court should impose or how it should exercise any of the powers legally available to it, the District Attorney shall state such recommendation on the record.

(Adopted January 1, 2007, Revised January 1, 2008)

6.7.2 In any case in which plea bargaining is presumptively prohibited by Penal Code section 1192.7 and a plea bargain is proposed to the court, the District Attorney shall state on the record the reasons it is believed the case is exempt from the prohibition. *(Adopted January 1, 2007, Revised January 1, 2008)*

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6.7.3. Pleas to all felonies and to misdemeanors offenses that subsequently may be charged as priors shall be accomplished by the contemporaneous filing of a fully executed relevant change of plea form. Counsel shall explain the entirety of the form to defendants and defendants shall be prepared to respond to inquiries from the court about the contents of the form and the intended plea. *(Adopted January 1, 2007)*

6.7.4. Pleas to offenses, whether charged and/or the subject of felony or misdemeanor plea, with special sentence consequences (e.g., drug or domestic violence programs, registration as drug or sex offender) shall be accomplished by the contemporaneous filing of a fully executed relevant change of plea form. Counsel shall explain the entirety of the form to defendants and defendants shall be prepared to respond to inquiries about the contents of the form and the intended plea. *(Adopted January 1, 2007)*

6.7.5. *Rule 6.7.5 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to pleas entered by counsel.*

6.7.6. Pleas of no contest and/or pursuant to People v. West, 3 Cal.3d 595, are permitted only if accompanied by a statement of factual basis or reference to and submission of specific documentary evidence supporting the plea, consistent with People v. Holmes, 32 Cal.4th 432, and People v Willard, 154 Cal.App.4th 1329. *(Adopted January 1, 2007, Revised January 1, 2008)*

6.7.7. Pleas with waivers pursuant to People v. Harvey, 25 Cal.3d 754, are permitted only if accompanied by a statement on the record identifying the dismissed counts or charges to which such waiver does and does not apply. *(Adopted January 1, 2007, Revised January 1, 2008)*

Rule 6.8. Criminal Trials

6.8.1. Within 14 days prior to a scheduled trial a Trial Readiness and Management Conference will be held which will include preliminary consideration of all motions in limine, proposed voir dire, proposed jury instructions and verdict form, and trial management issues. All parties shall file with the court and serve on all other parties 10 days prior to that

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conference a Trial Readiness and Management Conference Statement including the material mentioned next above, list of anticipated witnesses each expects to call, time estimate of the party's case in chief (including anticipated cross-examination), and list and copy of all exhibits. Counsel shall be familiar with the provisions of sections 8.5 and 8.9 of the Standards of Judicial Administration in connection with voir dire. *(Adopted January 1, 2007, Revised January 1, 2008)*

6.8.2. *Rule 6.8.2 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to scheduling of criminal trials.*

6.8.3. Multiple cases set for the same trial period generally will proceed in the following order: cases in which no time waiver has been given ahead of all others, in-custody defendants ahead of others, felonies ahead of misdemeanors, and then to cases based on earliest filing date. The court will endeavor to establish an order in which cases will proceed at least one week prior to the first day of the trial period. *(Adopted January 1, 2007, Revised January 1, 2008)*

6.8.4. If multiple cases are set for the same trial period, any not immediately proceeding will be ordered to trail day-to-day. All parties shall monitor the progress of cases in trial and be prepared to proceed on one-half day notice. Trailing cases are subject to being advanced and/or the order of trailing changed in the event of disposition of earlier set cases, or upon order of the court. *(Adopted January 1, 2007)*

6.8.5. Unless the court orders otherwise, on the first day of a scheduled trial counsel and defendants shall appear at 8:15 a.m. *(Adopted January 1, 2007)*

6.8.6. Counsel shall have made sufficient arrangements for the appearance of witnesses that progress of trial is not delayed. *(Adopted January 1, 2007)*

6.8.7. Counsel shall insure that the prospective jury pool and jury selected are not contaminated by contact with counsel, defendants, or witnesses when in or about the courthouse or otherwise. *(Adopted January 1, 2007)*

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6.8.8. All pre-trial motions, other than motions in limine, shall be filed and set for hearing at least one week prior to the Trial Readiness and Management Conference. *(Adopted January 1, 2007)*

Rule 6.9 Continuances; Special Appearances

6.9.1. Continuances frustrate the disposition goals and orderly processes of the court and are disfavored. However, in consideration of the court's remote location, it is the policy of the court reasonably to accommodate unavoidable conflicting commitments of counsel and defendants. Scheduling of continued matters shall be consistent with the regular calendars of the court. Routine requests to move matters from one calendar to another are disfavored. Conflicts arising after the scheduling of a given matter generally shall not constitute good cause. *(Adopted January 1, 2007, Revised January 1, 2008)*

6.9.2. Motions to continue which fail to comply with Penal Code section 1050 and particular applicable statutes and California Rules of Court, are disfavored. A stipulation alone will not constitute grounds for any continuance, should not be relied upon without court order, but may be presented as part of a motion. *(Adopted January 1, 2007, Revised January 1, 2008)*

6.9.3. *Rule 6.9.3 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to special appearances by one attorney for another in criminal matters.*

Rule 6.10 Judgment & Sentencing/Probation

6.10.1. Judgment & Sentence/Probation shall follow promptly entry of plea or verdict of guilty; immediate sentencing may occur in the absence of probation report upon stipulation of the parties, waiver of time by the defendant, and approval by the court. Unless otherwise ordered by the court, Judgment & Sentencing/Probation hearings requiring probation reports or pursuant to time waiver by defendant shall be held not later than the fourth week following plea or verdict. *(Adopted January 1, 2007)*

6.10.2. Judgment & Sentence/Probation Orders for time in county jail are satisfied by custody in El Dorado County (Placerville or South Lake

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Tahoe) pursuant to cooperative agreement with Alpine County. Delayed surrender shall be permitted only upon a showing of good cause and when accompanied by the defendant's acknowledgment of the principles of and waiver pursuant to *People v. Cruz*, 44 Cal.3d 1247, and *People v. Masloski*, 25 Cal.4th 1212. Requests for weekend time in custody shall be accompanied by specific dates, time, and place of self-surrender and be accompanied by similar Cruz/Masolski acknowledgment and waiver. (*Adopted January 1, 2007, Revised January 1, 2008*)

6.10.3. *Rule 6.10.3 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to the Sheriff's Work and Community Service programs.*

6.10.4. *Rule 6.10.4 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to out-patient or in-patient counseling.*

6.10.5. *Rule 6.10.5 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to sentencing in the defendant's absence.*

6.10.6. *Rule 6.10.6 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to summary reports given to the Court by the Probation Officer.*

6.10.7. *Rule 6.10.7 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to judgments of imprisonment.*

6.10.8. *Rule 6.10.8 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to the defendant's actual days already in custody.*

Rule 6.11. Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs

Any pleading consisting of eight or more pages, inclusive of attachments, when filed shall be accompanied by an additional copy conspicuously marked "Working Copy". (*Adopted January 1, 2007*)

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